

State of South Dakota

EIGHTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2012

400T0429

SENATE BILL NO. 40

Introduced by: The Committee on Judiciary at the request of the Office of the Attorney General

1 FOR AN ACT ENTITLED, An Act to permit a county to authorize temporary fencing within
2 rights-of-way subject to its jurisdiction.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 31-25 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 The board of county commissioners, after notice and hearing, may approve temporary
7 fencing within the right-of-way of county highway if it determines that the temporary fencing
8 is in the public interest and will not impair the highway or interfere with the free and safe flow
9 of traffic. Temporary fencing may be approved for a period not to exceed one year. After notice
10 and hearing provided by this section, the board of county commissioners may approve
11 subsequent extension of the temporary fencing for additional terms, each of which may not
12 exceed one year.

